

**Butler, David**

252347

**From:** Butler, David  
**Sent:** Wednesday, September 03, 2014 3:04 PM  
**To:** 'Marty McNinch'  
**Cc:** Yarbrough, Barbara G; Shafeek-Horton, Timika; Bateman, Andrew; Hudson, Shannon; Franklin, Brian L  
**Subject:** RE: Hearing Examiner Directive - Holding Testimony Dates in Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No. 2014-302-E.doc

Duly noted.

-----Original Message-----

**From:** Marty McNinch [mailto:mmcninch1@gmail.com]  
**Sent:** Wednesday, September 03, 2014 2:47 PM  
**To:** Butler, David  
**Cc:** Yarbrough, Barbara G; Shafeek-Horton, Timika; Bateman, Andrew; Hudson, Shannon; Franklin, Brian L  
**Subject:** Re: Hearing Examiner Directive - Holding Testimony Dates in Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No. 2014-302-E.doc

I must be a month behind. With all that was going on, I must not have noticed. I will pay the \$249.92 received in Aug. for July in a day or two. The Aug. amount should be on the next bill around Sept. 10 as Ms Yarbrough wrote her last email. Our finances should improve this month. I will pay the Aug. amount that will mailed around Sept. 10th within the month of Sept. Then we should be caught up on our actual usage from Duke Energy until the Oct. 10th bill for Sept. which we shall then pay. This should then catch me up on the actual usage from May-Sept. I don't mind paying what I consider to be our legal obligation. I have always paid my bill.

The outstanding debt from EPP is what I contest. This will be settled at the PSC hearing in Oct.

Sincerely,

Sheryl McNinch  
Marty McNinch

On 9/3/14, Butler, David <David.Butler@psc.sc.gov> wrote:

> Ms. Yarbrough:  
> Thank you for the information.  
> David Butler  
> Hearing Examiner  
>  
> -----Original Message-----  
> From: Yarbrough, Barbara G [mailto:Barbara.Yarbrough@duke-energy.com]  
> Sent: Wednesday, September 03, 2014 1:19 PM  
> To: Butler, David; Marty McNinch  
> Cc: Shafeek-Horton, Timika; Bateman, Andrew; Hudson, Shannon;  
> Franklin, Brian L  
> Subject: RE: Hearing Examiner Directive - Holding Testimony Dates in  
> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.  
> 2014-302-E.doc  
>

> Duke Energy Carolinas will not enforce disconnection of service at  
> this time; however, the Company wants to point out that a significant  
> amount of the outstanding balance is not in dispute. The EPP settle  
> up amount in dispute was shown on the May 2014 bill. The customer was  
> billed for actual usage for May, June, July and August. \$300 was paid  
> was paid on August 6,  
> 2014 which essentially covers the amount of the May and June actual  
> bills, but does not pay anything toward July or August bills (nor the  
> settle up  
> amount.) As additional information, the August bill is past due after  
> September 5, 2014 and new bills will be rendered around September 10  
> and October 10 before the hearing in this matter.

>

> -----Original Message-----

> From: Butler, David [mailto:David.Butler@psc.sc.gov]

> Sent: Wednesday, September 03, 2014 12:27 PM

> To: Marty McNinch

> Cc: Shafeek-Horton, Timika; Bateman, Andrew; Hudson, Shannon;

> Franklin, Brian L; Yarbrough, Barbara G

> Subject: RE: Hearing Examiner Directive - Holding Testimony Dates in

> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.

> 2014-302-E.doc

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>

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> attachments or click links from unknown senders or unexpected email.

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>

> To Duke and/or ORS:

> Do you have comment on Ms. McNinch's note below?

> Thanks,

> David Butler

> Hearing Examiner

>

> -----Original Message-----

> From: Marty McNinch [mailto:mmcninch1@gmail.com]

> Sent: Wednesday, September 03, 2014 11:33 AM

> To: Butler, David

> Cc: timika.shafeek-horton@duke-energy.com; Bateman, Andrew; Hudson,

> Shannon; Brian.Franklin@duke-energy.com; Yarbrough, Barbara G

> (Barbara.Yarbrough@duke-energy.com)

> Subject: Re: Hearing Examiner Directive - Holding Testimony Dates in

> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.

> 2014-302-E.doc

>

> To Whom It May Concern,

>

> I received a notice from Duke Energy yesterday saying that I had to

> pay over

> \$500 by Sept. 9 or power will be disconnected. I filed my first

> complaint within 15 days of the end of ORC investigation.

> Therefore service can not be terminated.

>

> I will pay for the energy we used in Aug. whatever the amount may be.

> I will check. I payed Duke Energy \$300 in Aug. That should take care

> of energy usage for July. Because the dispute over the supposed debt

> caused by being mistakenly put on EPP is in Abeyance and a new hearing

> has been issued, I will not yet pay on the outstanding debt. Only what

> we use each month until our hearing in Oct. Legally power can not be

> terminated until hearing.

>

> If power is terminated, it would cause great harm to my health even

> resulting in death. If power is terminated before the hearing, my

> family or I will use every option to see justice done through the PSC

> or even the United States Judicial System. If power is terminated

> before the hearing, I could not live in our home in that condition and may be homeless.

>

> Sincerely,

>

> Sheryl McNinch

> Marty McNinch

>

> On 9/2/14, Butler, David <David.Butler@psc.sc.gov> wrote:

>> Ms. McNinch:

>> Thank you for your note, but please note that you cannot communicate

>> with me alone. You must copy the attorneys for the other parties

>> whenever you communicate with me. Likewise, if I need to communicate

>> with you or any of the other parties, the law requires that I copy

>> all parties with my communications. This rule is true for all parties

>> in the case.

>> David Butler

>> Hearing Examiner

>>

>> From: Marty McNinch [mailto:mmcninch1@gmail.com]

>> Sent: Tuesday, September 02, 2014 1:35 PM

>> To: Butler, David

>> Subject: Re: Hearing Examiner Directive - Holding Testimony Dates in

>> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.

>> 2014-302-E.doc

>>

>> Mr. Butler,

>> I understand. Justice should be blind. But even a blind man can see this.

>> Thank you for obeying the law.

>> God bless,

>> Sheryl McNinch

>>

>> On Tue, Sep 2, 2014 at 11:55 AM, Butler, David

>> <David.Butler@psc.sc.gov<mailto:David.Butler@psc.sc.gov>> wrote:

>> Ms. McNinch:

>> Considering your last e-mail, I feel that I have no choice but to set

>> new pre-filing of testimony and exhibit dates for the Company and

>> ORS, a new rebuttal testimony and exhibits pre-filing date for you,

>> and a new hearing date. I will do all this by a new Hearing

>> Examiner's Directive, which I will issue shortly. However, please be  
>> advised that the Commission's holding the dismissal of your matter in  
>> abeyance should not be construed as communicating any opinion on the  
>> merits of your case. The Commission and I, the Hearing Examiner,  
>> remain impartial in this matter until such time as a hearing is held,  
>> or until the matter is disposed of procedurally.

>> Thanks,

>> David Butler

>> Hearing Examiner

>> -----Original Message-----

>> From: Marty McNinch

>> [mailto:mmcninch1@gmail.com<mailto:mmcninch1@gmail.com>]

>> Sent: Tuesday, September 02, 2014 11:27 AM

>> To: Butler, David

>> Cc: Shafeek-Horton, Timika; Franklin, Brian L; Bateman, Andrew;

>> Hudson, Shannon; Yarbrough, Barbara G; Easterling, Deborah

>> Subject: Re: Hearing Examiner Directive - Holding Testimony Dates in

>> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.

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>>

>> Dear Mr. Butler,

>>

>> I am requesting a new hearing date. It is evident that the commission  
>> understood that we were done wrong. Therefore it was held in abeyance.  
>> Afterward I was thinking how wrong this is. We should not even be  
>> expected to pay for their mistake.

>>

>> Now I am asking that Duke Energy be responsible for the entire  
>> outstanding debt. We were placed on EPP without our consent. There is  
>> no recorded verbal contract or a written signed contract. We did not  
>> request to be put on it. I disputed this with Ms Yarbrough over the  
>> phone. She made me so angry on the phone, my husband had to take the  
>> phone away from me because I was trembling all over. I am disabled  
>> with lots of medical problems due to brittle diabetes and a heart  
>> attack. All can be documented by my physicians. Ms Yarbrough has been  
>> treating us terrible demanding this and that causing great stress on  
>> me and my family. This has been the worst 3 months of my life. I have  
>> lost weight which my main physician is very concerned with. He will  
>> help us all he can. Everyone knowing our battle with DE can't believe  
>> how we have been done. Over the phone, Ms Yarbrough said that you  
>> have to request to be put on EPP. I didn't even know of an EPP until  
>> we found out we were in debt over about \$1800.00!

>>

>> I am now asking for a new hearing and that Duke Energy be responsible  
>> for the outstanding debt.

>>

>> Sincerely,

>>

>> Sheryl McNinch

>> Marty McNinch

>>

>> On 9/2/14, Butler, David

>> <David.Butler@psc.sc.gov<mailto:David.Butler@psc.sc.gov>> wrote:  
>>> Timika:  
>>> Yes, she did, but the Commission has never ruled on the request,  
>>> which it has to do under S.C. Code Ann. Section 58-3-225 (E) (Supp.  
>>> 2013).  
>>> Therefore, the complaint is still open. Any party may certainly  
>>> comment on the matter.  
>>> Thanks,  
>>> David Butler  
>>> Hearing Examiner  
>>>  
>>>  
>>>  
>>> From: Shafeek-Horton, Timika  
>>> [mailto:Timika.Shafeek-Horton@duke-energy.com<mailto:Timika.Shafeek-  
>>> H  
>>> orton@duke-energy.com>]  
>>> Sent: Tuesday, September 02, 2014 10:24 AM  
>>> To: Butler, David; mmcninch1@gmail.com<mailto:mmcninch1@gmail.com>;  
>>> Franklin, Brian L; Bateman,  
>>> Andrew; Hudson, Shannon  
>>> Cc: Yarbrough, Barbara G  
>>> Subject: RE: Hearing Examiner Directive - Holding Testimony Dates in  
>>> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.  
>>> 2014-302-E.doc  
>>>  
>>> David,  
>>>  
>>> I believe Ms. McNinch sought to have her complaint withdrawn. I'm  
>>> following up to see where we are on the matter and whether the  
>>> Commission needs to hear from Duke on anything.  
>>>  
>>> Thank you.  
>>>  
>>> Timika Shafeek-Horton  
>>> Deputy General Counsel  
>>> Duke Energy Corporation  
>>> 550 South Church Street, DEC 45A  
>>> Charlotte, NC 28201  
>>> Office: 704-382-6373<tel:704-382-6373>  
>>> Fax: 980-373-8534<tel:980-373-8534>  
>>> timika.shafeek-horton@duke-energy.com<mailto:timika.shafeek-horton@duke-  
>>> energy.com><mailto:timika.shafeek-horton@duke-energy.com<mailto:timika.shafeek-horton@duke-energy.com>>>.  
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>>> of the message.

>>>

>>> From: David.Butler

>>> [mailto:David.Butler@psc.sc.gov<mailto:David.Butler@psc.sc.gov>]

>>> Sent: Friday, August 01, 2014 12:13 PM

>>> To:

>>> mmcnych1@gmail.com<mailto:mmcnych1@gmail.com><mailto:mmcnych1@gmail.com>

>>> i

>>> l.com<mailto:mmcnych1@gmail.com>;

>>> Franklin, Brian

>>> L; PSC\_Clerk's Office Distribution Group;

>>> PSC\_Directive-Order-Hearing-Distribution-List; Jo.Wheat;

>>> Shafeek-Horton, Timika; Bateman, Andrew; Hudson, Shannon

>>> Cc: Yarbrough, Barbara G

>>> Subject: Hearing Examiner Directive - Holding Testimony Dates in

>>> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.

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>>>

>>> \*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open

>>> attachments or click links from unknown senders or unexpected email.

>>> \*\*\* Attached, please find my Hearing Examiner's directive holding

>>> the prefiling deadlines in abeyance and cancelling the hearing in

>>> the McNinch complaint matter. The Commission will consider the

>>> request to dismiss.

>>> Thanks to all.

>>> David Butler

>>> Hearing Examiner

>>>

>>

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>> --

>> P.S. Find out why so many

>> Internet Marketer are changing

>> to Traffic Wave Autoresponder

>> from eweber,icontact,getresponse

>> ect.....

>> <http://www.trafficwave.net/members/autolistbuilder/pricing.html>

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